

1 (April 5, 2004)

2 **Special Training Provisions**

3 **General Requirements**

4 The Contractor's equal employment opportunity, affirmative action program shall
5 include the requirements set forth below. The Contractor shall provide on-the-job
6 training aimed at developing trainees to journeyman status in the trades involved.
7 The number of training hours shall be *** \$1\$ \$ ***. The training program shall
8 assign a minimum of 200 hours per trainee. The Contractor may elect to
9 accomplish training as part of the work of a subcontractor, however, the Prime
10 Contractor shall retain the responsibility for complying with these Special
11 Provisions. The Contractor shall also ensure that this training provision is made
12 applicable to any subcontract that includes training.
13

14 **Trainee Approval**

15 The Federal government requires Contracting Agencies to include these training
16 provisions as a condition attached to the receipt of Federal highway funding. The
17 Federal government has determined that the training and promotion of members of
18 certain minority groups and women is a primary objective of this training provision.
19 The Contractor shall make every effort to enroll minority groups and women
20 trainees to the extent such persons are available within a reasonable recruitment
21 area. This training provision is not intended and shall not be used to discriminate
22 against any applicant for training, whether that person is a minority, woman or
23 otherwise. A non-minority male trainee or apprentice may be approved provided
24 the following requirements are met:
25

- 26 1. the Contractor is otherwise in compliance with the contract's Equal
27 Employment Opportunity and On-the-Job Training requirements and
28 provides documentation of the efforts taken to fill the specific training
29 position with either minorities or females
30
- 31 2. or, if not otherwise in compliance, furnishes evidence of his/her systematic
32 and direct recruitment efforts in regard to the position in question and in
33 promoting the enrollment and/or employment of minorities and females in
34 the craft which the proposed trainee is to be trained
35
- 36 3. and the Contractor has made a good faith effort towards recruiting of
37 minorities and women. As a minimum this good faith effort shall consist of
38 the following:
39
 - 40 • Distribution of written notices of available employment
41 opportunities with the Contractor and enrollment opportunities
42 with its unions. Distribution should include but not be limited to;
43 minority and female recruitment sources and minority and female
44 community organizations;
45
 - 46 • Records documenting the Contractor's efforts and the outcome of
47 those efforts, to employ minority and female applicants and/or
48 refer them to unions;
49
 - 50 • Records reflecting the Contractor's efforts in participating in
51 developing minority and female on-the-job training opportunities,
52 including upgrading programs and apprenticeship opportunities;

- Distribution of written notices to unions and training programs disseminating the Contractor's EEO policy and requesting cooperation in achieving EEO and OJT obligations.

No employee shall be employed as a trainee in any classification in which the employee has successfully completed a training course leading to journeyman status or in which the employee has been employed as a journeyman. The Contractor's records shall document the methods for determining the trainee's status and findings in each case. When feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training.

For the purpose of this specification, acceptable training programs are those employing trainees/apprentices registered with the following:

1. Washington State Department of Labor & Industries — State Apprenticeship Training Council (SATC) approved apprenticeship agreement:
 - a. Pursuant to RCW 49.04.060, an apprenticeship agreement shall be;
 - i. an individual written agreement between an employer and apprentice
 - ii. a written agreement between (an employer or an association of employers) and an organization of employees describing conditions of employment for apprentices
 - iii. a written statement describing conditions of employment for apprentices in a plant where there is no bona fide employee organization.

All such agreements shall conform to the basic standards and other provisions of RCW Chapter 49.

2. Apprentices must be registered with U.S. Department of Labor — Bureau of Apprenticeship Training (BAT) approved program.

Or

3. Trainees participating in a non-BAT/SATC program, which has been approved by the contracting agency for the specific project.
4. For assistance in locating trainee candidates, the Contractor may call WSDOT's OJT Support Services Technical Advisor at (360) 705-7088, (206) 587-4954 or toll free at 1-866-252-2680.

Obligation to Provide Information

Upon starting a new trainee, the Contractor shall furnish the trainee a copy of the approved program the Contractor will follow in providing the training. Upon completion of the training, the Contractor shall provide the Contracting Agency with

1 a certification showing the type and length of training satisfactorily completed by
2 each trainee.

3 4 **Training Program Approval**

5 The Training Program shall meet the following requirements:

- 6
7 1. The Training Program (DOT Form 272-049) must be submitted to the
8 Engineer for approval prior to commencing contract work and shall be
9 resubmitted when modifications to the program occur.
- 10
11 2. The minimum length and type of training for each classification will be as
12 established in the training program as approved by the Contracting
13 Agency.
- 14
15 3. The Training Program shall contain the trades proposed for training, the
16 number of trainees, the hours assigned to the trade and the estimated
17 beginning work date for each trainee.
- 18
19 4. Training Programs will be approved if the proposed number of training
20 hours equals the training hours required by contract and the training
21 program assigns a minimum of 200 hours per trainee.
- 22
23 5. After approval of the training program, information concerning each
24 individual trainee and good faith effort documentation shall be submitted
25 on (DOT Form 272-050.)
- 26
27 6. The following trades will not be approved for training:
28
29 *** \$\$2\$\$ ***.
- 30
31 7. Flagging programs will not be approved. Other programs that include
32 flagging training will only be approved if the flagging portion is limited to
33 an orientation of not more than 20 hours.
- 34
35 8. It is the intention of these provisions that training is to be provided in the
36 construction crafts rather than clerk-typists or secretarial-type positions.
37 Training is permissible in lower level management positions such as office
38 engineers, estimators, timekeepers, etc., where the training is oriented
39 toward construction applications. Some off-site training is permissible as
40 long as the training is an integral part of an approved training program.
- 41
42 9. It is normally expected that a trainee will begin training on the project as
43 soon as feasible after start of work, utilizing the skill involved and remain
44 on the project as long as training opportunities exist in the work
45 classification or upon completion of the training program. It is not required
46 that all trainees be on board for the entire length of the contract. The
47 number trained shall be determined on the basis of the total number
48 enrolled on the contract for a significant period.
- 49
50 10. Wage Progressions: Trainees will be paid at least the applicable ratios or
51 wage progressions shown in the apprenticeship standards published by
52 the Washington State Department of Labor and Industries. In the event

1 that no training program has been established by the Department of Labor
2 and Industries, the trainee shall be paid in accordance with the provisions
3 of RCW 39.12.021 which reads as follows:
4

5 Apprentice workmen employed upon public works projects for whom
6 an apprenticeship agreement has been registered and approved with
7 the State Apprenticeship Council pursuant to RCW 49.04, must be
8 paid at least the prevailing hourly rate for an apprentice of that trade.
9 Any workman for whom an apprenticeship agreement has not been
10 registered and approved by the State Apprenticeship Council shall be
11 considered to be a fully qualified journeyman, and, therefore, shall be
12 paid at the prevailing hourly rate for journeymen.
13

14 **Compliance**

15 In the event that the Contractor is unable to accomplish the required training hours
16 but can demonstrate a good faith effort to meet the requirements as specified, then
17 the Contracting Agency will adjust the training goals accordingly.
18

19 **Requirements for Non BAT/SATC Approved Training Programs**

20 Contractors who are not affiliated with a program approved by BAT or SATC may
21 have their training program approved provided that the program is submitted for
22 approval on DOT Form 272-049, and the following standards are addressed and
23 incorporated in the Contractor's program:
24

- 25 • The program establishes minimum qualifications for persons entering the
26 training program.
- 27
- 28 • The program shall outline the work processes in which the trainee will
29 receive supervised work experience and training on-the-job and the
30 allocation of the approximate time to be spent in each major process. The
31 program shall include the method for recording and reporting the training
32 completed shall be stated.
- 33
- 34 • The program shall include a numeric ratio of trainees to journeymen
35 consistent with proper supervision, training, safety, and continuity of
36 employment. The ratio language shall be specific and clear as to
37 application in terms of job site and workforce during normal operations
38 (normally considered to fall between 1:10 and 1:4).
- 39
- 40 • The terms of training shall be stated in hours. The number of hours
41 required for completion to journeyman status shall be comparable to the
42 apprenticeship hours established for that craft by the SATC. The following
43 are examples of programs that are currently approved:
44

45 CRAFT	45 HOURS
46 Laborer	4,000
47 Ironworker	6,000
48 Carpenter	5,200-8,000
49 Construction Electrician	8,000
50 Operating Engineer	6,000-8,000
51 Cement Mason	5,400
52 Teamster	2,100

- The method to be used for recording and reporting the training completed shall be stated.
- A numeric ratio of trainees to journeymen shall be established. It shall be consistent with proper supervision, training, safety and continuity of employment. The ratio language shall be specific and clear as to application in terms of job site and workforce during normal operations.

Measurement

The Contractor may request that the total number of "training" hours for the contract be increased subject to approval by the Contracting Agency. This reimbursement will be made even though the Contractor receives additional training program funds from other sources, provided such other sources do not prohibit other reimbursement. Reimbursement to the Contractor for off-site training as indicated previously may only be made when the Contractor does one or more of the following and the trainees are concurrently employed on a Federal-aid project:

- contributes to the cost of the training,
- provides the instruction to the trainee,
- pays the trainee's wages during the off- site training period.

Reimbursement will be made upon receipt of a certified invoice that shows the related payroll number, the name of trainee, total hours trained under the program, previously paid hours under the contract, hours due this estimate, and dollar amount due this estimate. The certified invoice shall show a statement indicating the Contractor's effort to enroll minorities and women when a new enrollment occurs. If a trainee is participating in a SATC/BAT approved apprenticeship program, a copy of the certificate showing apprenticeship registration must accompany the first invoice on which the individual appears. Reimbursement for training occurring prior to approval of the training program will be allowed if the Contractor verbally notifies the Engineer of this occurrence at the time the apprentice/trainee commences work. A trainee/apprentice, regardless of craft, must have worked on the contract for at least 20 hours to be eligible for reimbursement.

Payment

The Contractor will be reimbursed under the item "Training" per hour for each hour of training for each employee.